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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6–23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

GERMANY

1. The Committee considered the fifteenth periodic report of Germany (CERD/C/338/Add.14) at its 1426th and 1427th meetings, held on 13 and 14 March 2001 (CERD/C/SR.1426 and 1427), and at its 1460th meeting (CERD/C/SR.1460), on 21 March 2001, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the very detailed report presented by the Government of Germany, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee is also grateful for the relevant additional and updated information that was transmitted during presentation of the report.

3. The Committee particularly appreciated the delegation's frankness and sincerity during the presentation of the report, and its acknowledgement of the difficulties faced by the State party in implementing the Convention.

B. Positive aspects

4. The Committee welcomes recent developments that have taken place in the field of human rights. It noted in particular the creation of the independent German Institute of Human Rights, the setting up by the Federal Parliament of a Human Rights Committee, as well as the publication of the Federal Government's biannual Human Rights Report, which in the future will give more attention to internal human rights issues.

5. With regard to the implementation of article 4 of the Convention and the fight against racist organizations and propaganda, the Committee welcomes the information provided by the State party that since its previous report additional extreme right-wing associations have been banned. In this regard, the Committee also notes the efforts made by the Government, as well as by the Federal Council and the Federal Parliament, to bring the important and delicate issue of the constitutionality of the National Democratic Party of Germany (NPD) before the German Constitutional Court. Finally, the Committee is pleased to see that measures taken by the State party to combat racial propaganda are being effectively implemented, leading to the conviction by the judicial authorities of approximately 900 people during 1998.

6. The Committee also welcomes the establishment of three new special programmes aimed at combating racism and xenophobia among young people: "Xenos-living and working in diversity", "Measures against violence and right-wing extremism" and "Promotion of model projects against right-wing violence in the new Länder".

7. The Committee notes with satisfaction the improvements brought by the recent reform of the nationality law and, in particular, the partial incorporation of the principle of *jus soli* and the expanding of exceptions to the prohibition of multiple nationalities, for instance when giving up a previous nationality would bring considerable disadvantages to a person applying for German nationality.

8. The Committee notes the establishment of the Foundation for the Compensation of Persons Subjected to Forced Labour and welcomes the fact that this Foundation will also be of benefit to Sinti and Roma populations.

9. The Committee appreciates the readiness of the delegation to answer a great variety of questions concerning, inter alia, the State party's response to the concerns of developing countries with respect to the high prices of medicines for persons living with HIV/AIDS.

C. Concerns and recommendations

10. The Committee shares the State party's particular concern that despite appropriate actions undertaken and significant improvements to the various means of preventing and punishing right-wing extremist, xenophobic and anti-Semitic crimes, the number of racist-related incidents, which had more or less stagnated during the 1990s, suddenly and dramatically increased during the year 2000. While welcoming the work that has already been accomplished to identify the specific causes of this phenomenon, the Committee encourages the State party to

reinforce its efforts to prevent and combat such acts, including through further studies and research, in order to understand fully the reasons for the recent increase in racial violence and to devise appropriate measures.

11. The Committee is further concerned by repeated reports of racist incidents in police stations, as well as ill-treatment inflicted by law enforcement officials on foreigners, including asylum-seekers, and German nationals of foreign origin. Although the number of such incidents has diminished recently, the Committee urges the State party to strengthen existing educational measures for civil servants who deal with issues involving foreigners, including asylum-seekers, and German nationals of foreign origin.

12. Concerned by the increase of racist propaganda on the Internet, and that this trend is likely to become more significant in the future, the Committee encourages the State party to continue to seek solutions to this problem.

13. While noting that the State party has recognized minorities that have been settled in Germany for a long time, the Committee draws the attention of the State party to General Recommendation XXIV (55) of the Committee.

14. The State party is invited in its next report to provide further information on the following issues: (a) updated information on the number of persons of foreign origin in the police forces; (b) information on the new draft anti-discrimination legislation in the field of both civil and labour law; (c) updated information on the numbers of persons who have been convicted following racist incidents.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

16. Noting that the State party's report has been made readily available to the public from the time it was submitted, the Committee recommends that its concluding observations be similarly publicized. It encourages the State party to insert the concluding observations on the Web site of the appropriate ministry.

17. The Committee recommends that the State party submit its sixteenth and seventeenth periodic report jointly with its eighteenth periodic report, due on 15 June 2004, and that it address the points raised in the present observations.